

SUPERIOR COURT IN THE STATE OF CALIFORNIA  
COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA  
Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE  
Defendant.

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Judge: David Rosenberg  
Clerk: Heather Salmon  
Reporter: Keri Crittenton  
Date: August 1, 2008

HEARING: Declaration Re: Conflict of Interest

Counsel for the People: Jeff Reisig, District Attorney

Counsel for Defendant(s): Barry Melton, Public Defender

8:30 AM

Defendant present in custody. All counsel present in open court.

The Public Defender has filed a Declaration Re: Conflict of Interest.

There is a pending motion to disqualify this court, however, pursuant to 170.4(a) (1) PC and to protect the defendant's sixth amendment rights the court will hear the issue of Conflict of Interest by the public defender and appoint conflict counsel.

Public Defender stated there were several conflicts which have been shared with the defendant.

On behalf of the defendant, the public defender moves for a hearing regarding the issue of conflict of interest. The defendant requests appointment of conflict counsel to advise him regarding the conflict of interest and the possibility of waiving any conflict.

J. Toney, head of the conflict panel present before the court. It is noted for the record Hayes Gable and Tom Purtell will be the conflict counsel appointed if the public defender is relieved.

Court appoints J. Toney to advise the defendant on the issue of conflict of interest by the public defender and possible waiver.

To deter any further delays in this case the Court will make a provisional appointment of conflict counsel.

Court orders the possession of the case file to remain with the public defender at this time. Court provisionally appoints Hayes Gable and Tom Purtell as counsel to the defendant so they may speak with the defendant and the public defender. Court finds both counsel are well qualified to represent defendants in capital cases.

All parties ordered to return on August 8, 2008 at 8:30 in department 9 before Judge Rosenberg on the issue of a potential waiver of conflict of interest.

Matter remains on calendar August 22, 2008 at 8:30 in department 9 before Judge Rosenberg as previously set.

8:42 AM

Court adjourned.

Defendant remains in the custody of the sheriff without bail.

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